

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Ticket Center, Inc., et al.
Plaintiffs,

v.

Banco Popular de Puerto Rico, et al.
Defendants.

Civil No. 04-2062 (JAG/GAG)

OPINION AND ORDER

Re: Docket No. 84 – Motion to Reconsider

This matter is before the court on defendants', Banco Popular de Puerto Rico d/b/a Banco Popular, and Popular, Inc., motion for reconsideration. See Docket No. 84. Defendants ask the court to reconsider its previous ruling denying defendants' motion to dismiss. See Docket No. 83. The motion to reconsider is **DENIED**.

Defendants argue that plaintiffs have not substantiated the claims with the specificity required in previous antitrust cases. However, the court need not credit only "bald assertions, unsupportable conclusions, or opprobrious epithets." Chongris v. Bd. of Appeals, 811 F.2d 36, 37 (1st Cir. 1987); CCBN.com, Inc. v. Thomas Financial, Inc., 270 F.Supp.2d 146, 154 (D.Mass 2003). In this case the court finds the complaint to be sufficient to substantiate the claims made therein. Furthermore, the court reiterates that antitrust actions should rarely be dismissed via 12(b)(6) motions, nor prior to giving the plaintiff ample opportunity for discovery. See, e.g., Poller v. Columbia Broadcasting, 368 U.S. 464, 473 (1962); Morales-Villalobos v. Garcia-Llorens, 316 F.3d 51, 52, 56 (1st Cir. 2003).

SO ORDERED.

Date: May 1, 2006

/s/ Gustavo A. Gelpi
GUSTAVO A. GELPI
United States Magistrate Judge